

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION 2018 OCT 31 AM 8:56

UNITED STATES OF AMERICA, *ex rel.*
JOEL CIARACHI, M.D., M.B.A. AND
THOMAS KENJARSKI, M.D.,

Plaintiffs,

v.

TEXAS DIGESTIVE DISEASE
CONSULTANTS, P.L.L.C., TDDC
PARENT, P.A., STAR ANESTHESIA,
P.A., PHYSICIANS JOHN/JANE DOE 1
THROUGH 50, AND CERTIFIED
REGISTERED NURSE ANESTHETISTS
JOHN/JANE DOES 1 THROUGH 50,

Defendants.

DEPUTY CLERK

Civil Case No. 3:18-CV-0441-M

FILED IN SEALED CASE

UNITED STATES OF AMERICA'S NOTICE OF CONSENT TO DISMISSAL
OF CASE UNDER THE FALSE CLAIMS ACT

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America (United States) notifies the Court of its consent to dismissal, without prejudice as to the United States, of this *qui tam* case.

1. Relators filed this case on behalf of the United States under the *qui tam* provisions of the False Claims Act on February 22, 2018. On October 30, 2018, Relators filed a Notice of Voluntary Dismissal, whereby they voluntarily dismissed the False Claims Act case, noting the dismissal was without prejudice as to the United States.

2. The United States consents to the dismissal of this case without prejudice as to the United States.

3. The United States requests that only the Complaint, this consent, and the Court's accompanying Order be unsealed.

4. A proposed Order accompanies this Notice.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY




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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2018, a copy of the foregoing pleading and proposed Order were mailed by first class mail to counsel for relators:

Christopher A. Payne
Tim Robinson
Christina Alstrin
Aaron Robinson
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LINDSEY BERAN
Assistant United States Attorney

JUDGE'S COPY

SEALED

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ORDER

The United States of America (United States) having consented to Relators' Notice of Voluntary Dismissal of this case pursuant to 31 U.S.C. § 3730(b)(1), the Court rules as follows:

IT IS HEREBY ORDERED that this case is hereby dismissed without prejudice as to both the United States and Relators.

IT IS HEREBY ORDERED that the Complaint, the United States Consent to Dismissal, and the Court's accompanying Order be unsealed.

SO ORDERED.

Dated this _____ day of October, 2018.

BARBARA M. G. LYNN
CHIEF JUDGE